

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1

Filed 25 August 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HARUO SUGANO,
MASAMI MURAMATSU, and TADATSUGU TANIGUCHI

Junior Party
(Patent 5,514,567 and 5,326,859),

v.

DAVID V. GOEDEL,
and ROBERTO CREA

Senior Party
(Application 07/374,311).

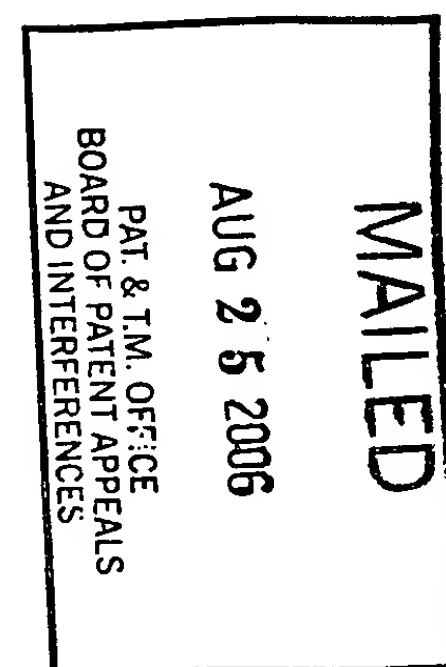
Patent Interference No. 105,334
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).



and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m. on 18 October 2006** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors:	Haruo Sugano Tokyo, Japan
	Masami Muramatsu Saitama-ken, Japan
	Tadatsugu Taniguchi Tokyo, Japan
Involved Patent:	5,514,567, issued on 7 May 1996 from application 08/400,179, filed 6 March 1995.
Title:	NOVEL DNA AND RECOMBINANT PLASMID
Involved Patent:	5,326,859, issued on 5 July 1994 from application 06/201,359, filed 27 October 1980
Assignee:	Juridical Foundation, Japanese Foundation for Cancer Research

Senior Party

Named Inventors: David V. Goeddel
Burlingame, CA

Roberto Crea
Burlingame, CA

Involved Application: 07/374,311, filed 30 June 1989

Title: MICROBIAL PRODUCTION OF MATURE HUMAN
FIBROBLAST INTERFERON

Assignee: None available

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 9 of Sugano, 5,514,567

or

claim 6 of Sugano, 5,326,859

or

claim 35 of Goeddel, 07/374,311

The claims of the parties are:

Sugano, 5,514,567:	1-31
Sugano, 5,326,859:	1-9
Goeddel, 07/374,311:	25-52

The claims of the parties that correspond to Count 1 are:

Sugano, 5,514,567:	9-14,18-20, 24-27, and 29
Sugano, 5,326,859:	1 and 6-9
Goeddel, 07/374,311:	25-52

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

Sugano, 5,514,567:	1-8, 15-17, 21-23, 28, 30, and 31
Sugano, 5,326,859:	2-5
Goeddel, 07/374,311:	none

The parties are accorded the following benefit for Count 1:

Sugano:	(as to patent 5,514,567):
	US 06/389,922, filed 18 June 1982
	US 06/201,359, filed 27 October 1980, issued as involved
	patent 5,326,859 on 5 July 1994
Goeddel:	US 06/879,712, filed 27 June 1986
	US 06/291,892, filed 11 August 1981
	US 06/190,799, filed 25 September 1980

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see
SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HARUO SUGANO,
MASAMI MURAMATSU, and TADATSUGU TANIGUCHI

Junior Party
(Patent 5,514,567 and 5,326,859),

v.

DAVID V. GOEDEL,
and ROBERTO CREA

Senior Party
(Application 07/374,311).

Patent Interference No. 105,334
(Technology Center 1600)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patents 5,514,567 and 5,326,859
Copy of claims of 07/374,311

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Sugano:

WILMER CUTLER PICKERING HALE
and DORR LLP
399 Park Avenue
New York, N.Y. 10022

Attorney for Goeddel:

JONES DAY
222 East 41st Street
New York, N.Y. 10017